

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD DEHAR,

Plaintiff,

CASE NO: 07-11584

vs.

DISTRICT JUDGE AVERN COHN
MAGISTRATE JUDGE CHARLES E. BINDER

SERGEANT BOULTON, *et al.*,

Defendants.

/

ORDER TO SUBMIT APPLICATION TO PROCEED *IN FORMA PAUPERIS*

This order is entered under the authority given to this Magistrate Judge by an Order of Reference issued by District Judge Cohn pursuant to 28 U.S.C. § 636(b)(1)(A).

At the time the Plaintiff submitted his § 1983 complaint he was incarcerated, and he appropriately completed an Application to Proceed Without Prepayment of Fees or Costs. This application was granted by Magistrate Judge Whalen on May 29, 2007. As part of the Order, installment payments taken from the prisoner's institutional account were authorized. However, Plaintiff's circumstances have changed, and he is no longer in custody. Therefore, according to Sixth Circuit precedent, Plaintiff's financial status must be re-evaluated.

[A] prisoner is obligated to pay assessed fees and costs only while he or she remains incarcerated. After release, the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status. The decision of whether pauper status is available to a released prisoner will be made by the district court.

In re Prison Litigation Reform Act, 105 F.3d 1131, 1139 (6th Cir. 1997).

Accordingly, **IT IS ORDERED** that the Plaintiff complete and return to this Court an Application to Proceed *In Forma Pauperis*, a copy of which is provided with this Order for Plaintiff's convenience. The completed application must be returned to this Court on or before **July 30, 2007**. Upon receipt of the completed application, the Court will make a

determination as to whether the Plaintiff is entitled to proceed without payment of the filing fee or costs of service.

IT IS FURTHER ORDERED that the Plaintiff shall immediately file a Notice of Change of Address so that the Court records may reflect his current address.

Review of this order is governed by 28 U.S.C. § 636(b)(1), FED. R. CIV. P. 72, and E.D. Mich. LR 72.1(d).

s/ *Charles E Binder*

CHARLES E. BINDER
United States Magistrate Judge

Dated: June 29, 2007

CERTIFICATION

I hereby certify that this Order was electronically filed this date, and served on Donald Dehar by first class mail.

Date: June 29, 2007

By s/Jean L. Broucek
Case Manager to Magistrate Judge Binder